

Article 3 Definitions

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1-300 Purpose and Applicability

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction.

1-302 Rules for Construction of Language

In addition to the general provisions of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected words or provisions shall apply singly, but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of San Leandro, unless otherwise indicated.
- E. All references to public officials are to those of the City of San Leandro, and include designated deputies of such officials, unless otherwise indicated.

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Assembly Uses. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section). This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Assembly Uses, Temporary. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section) on a site that is not permanently occupied by an assembly use, for a period of not more than thirty (30) days.

Automatic Teller Machine. Automatic banking terminals directly accessible to the public outside of an enclosed building.

Automobile Parts Sales. The retail sale of new automotive parts and accessories (excluding service and installation).

Automobile Rentals. See "Vehicle/Heavy Equipment Rental."

Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Awning. A temporary shelter supported entirely from the exterior wall of a building and composed of rigid material or non-rigid material with a supporting framework.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Banks. See "Financial Institutions, Retail."

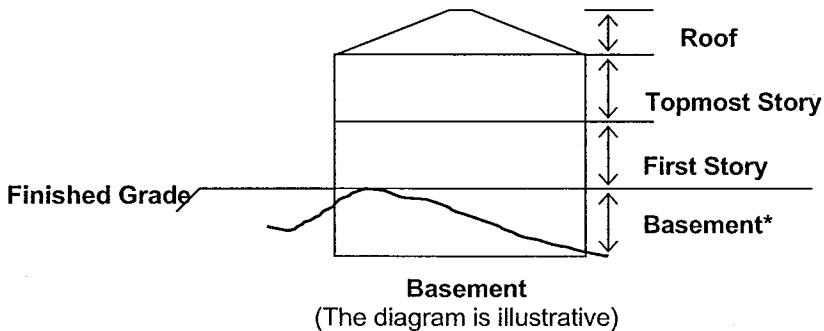
Barbed Wire. See "Razor/Barbed Wire."

Bars. Establishments that provide on-site alcoholic beverage sales for drinking on the premises and do not admit persons under the age of twenty-one (21). This classification includes businesses with Alcoholic Beverage Control (ABC) licenses of 40, 42, 48, 49 or 61.

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Basement. Any floor level below the first story in a building. In addition, the floor level of a building only having one (1) level shall be classified as a basement if that floor level is either more than four (4) feet below grade for more than fifty percent (50%) of the total perimeter, or more than eight (8) feet below grade at any point (also refer to definition of "Story, first").



*If this floor level is less than six (6) feet from finished grade for fifty percent (50%) of the perimeter or less than twelve (12) feet from finished grade at all points, the floor below is considered a basement.

Bed and Breakfast Inns. Establishments with no more than six (6) guest rooms, offering lodging on a less than weekly basis, typically in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen and which have a resident manager or owner.

Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding "hard liquor," for the consumption off the premises where sold. This classification includes wine shops or facilities that are covered by a State license for "beer and wine" (Class 20 ABC license).

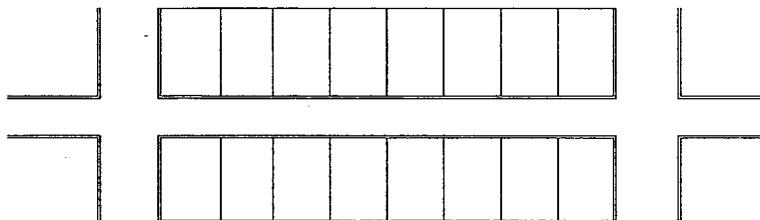
Billiard Parlors. A business establishment where one (1) or more billiard, pool, or snooker tables or combination thereof, are maintained for hire including, but not limited to, a "family billiard parlor" as defined in the San Leandro Municipal Code Section 4-21-100.

Bingo Parlors. A business or non-profit establishment where bingo is played. Bingo means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card that conforms to numbers or symbols selected at random.

Blockface. The properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, un-subdivided land, watercourse, city boundary, or other similar substantial boundary. Please refer to the Blockface illustration below.

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BLOCKFACE
 (This diagram is illustrative)

Boarding House. A building with not more than four (4) guest rooms where lodging and meals are provided for not more than ten (10) persons, but shall not include rest homes or convalescent homes. Guest rooms numbering (5) or over shall be considered a hotel. This definition includes rooming houses and lodging houses.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory. A building which is subordinate to, and the use of which is incidental to and related to that of the main building or use on the same lot.

Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint, hardware, wall coverings, furniture, decorations, electronics, appliances, and home improvement sales, and activities classified under Vehicle/Equipment Repair and Sales classifications, including vehicle towing services.

Business and Trade Schools. Schools providing specialized instructional services in the business and trade fields.

Business Services. Establishments providing support services to professional offices and industry, typically limited to graphic reproduction and delivery services, and including such services as drafting, typesetting, printing, copying and duplicating, and mail receipt, but excluding parcel processing centers and professional services, such as accounting and personnel management.

Cafés. Retail uses that primarily provide beverages and/or desserts for either on- or off-site consumption, including, but not limited to coffee and tea-houses, juice bars, donut shops and ice cream/frozen yogurt parlors.

Canopy. A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material, which may or may not project over a public right-of-way.

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Card Room. A space, room or enclosure, furnished or equipped with one (1) or more tables used for the playing of cards or similar games, the use of which is available to the public or any portion of the public.

Caretaker's Quarters. A dwelling unit on the site of, and accessory to, a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also "Restaurants").

Cellar. See "Basement."

Cemeteries. Establishments where the remains of the dead may be kept indefinitely, whether underground or aboveground. This classification includes mausoleums and columbaria.

Cessation of Use. The discontinuance or abandonment of a use, as determined by the Zoning Enforcement Official.

Check-Cashing Business. See "Financial Institutions, Check Cashing and Personal Loan Services."

Christmas Tree and Pumpkin Sales. Outdoor retail sales of Christmas trees between Thanksgiving week and December 26, and pumpkins during the month of October.

Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of (7) days. This classification excludes events conducted in a permanent entertainment facility.

City. The City of San Leandro.

Coin-Operated Laundry and Coin-operated Dry Cleaning Businesses. Any dry cleaning or laundry establishment that provides self-service machines or is not attended.

Commercial Filming. Commercial motion picture or video photography.

Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.

Commercial Recreation. Provision of participant or spectator recreation or entertainment. This classification includes amusement parks, bowling alleys, ice/roller skating rinks, golf courses, miniature golf courses, and scale-model courses.

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Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major) and Telecommunication antennas and towers as defined in this Code, [Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}]. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

Concertina Wire. See "Razor/Barbed Wire."

Conditionally Permitted. Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building. A building that conforms to all property-development regulations and requirements prescribed for the district in which it is located, except as otherwise provided in this code.

Convalescent Facilities. Establishments providing care on a twenty-four (24) hour basis for persons requiring regular medical attention, but excluding general hospitals and facilities providing surgical or emergency medical services. This classification includes only those services and facilities licensed by the State of California.

Convenience Stores. Retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a building with a floor area less than ten thousand (10,000) square feet. This classification excludes tobacco stores, liquor stores, delicatessens, confectioneries, and specialty food markets, or grocery stores having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat, fish or poultry. Also see "Tobacconist/Cigarette Store," "Liquor, Beer and Wine Store," and "Neighborhood/Specialty Food Markets."

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial, or commercial buildings.

Corner Lot. See "Lot, Corner."

Corporation Yards. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes equipment maintenance and service centers and similar facilities.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on (3) or more sides by walls of a building.

Coverage, Lot or Site. In calculating the percentage of lot coverage for the purpose of applying the regulations of this Zoning Code, the features of a structure as hereafter set forth shall not be included as coverage:

- A. Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building provided that any portion of such projections extending more than three feet from the building shall be included as coverage;
- B. Fire escapes;
- C. An uncovered stair and landing which does not extend above a ground floor entrance except for the railing; or
- D. Bay windows, balconies or chimneys which project from the wall not more than (2) feet provided that such features do not in the aggregate occupy more than one-third of the length of a wall which faces an interior side lot line, or more than two-thirds of the length of a wall which faces a street or a rear lot line.

Credit Union. See "Financial Institutions, Retail."

Cross-Dock. An industrial shipping facility with truck loading docks and/or doors located on opposing sides of an enclosed or unenclosed platform. Shallow depth cross-docks (such as those with less than seventy five (75) feet between the opposing docks and/or doors, and with minimal area for storage) are typically associated with the "Truck Terminals" use classification.

Cultural Institutions. Non-profit institutions displaying or preserving objects of interest in one (1) or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

Dance Hall. Any establishment where a person or persons dance and where either: (i) such persons pay admission to each dance except where admission charges are to be used for charitable, eleemosynary, educational, religious, or social groups which do not include the distribution of profits to the sponsors or members thereof; or (ii) such place is connected to a place where alcoholic beverages are sold. This definition includes, but is not limited to, any business establishment identified in San Leandro Municipal Code Section 4-4-100. See "Entertainment" for dancing at establishments other than dance halls.

Day Care, General. Commercial business and institutions that provide care for persons on a less than twenty-four (24) hour basis. This classification is exclusive to those

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facilities licensed by the State of California, and includes nursery schools, preschools, and day-care centers for children or adults, but excludes smaller facilities that conform to the definitions for the "Day Care, Large Family" and "Day Care, Limited" use classifications.

Day Care, Large Family. Non-medical care and supervision of more than six (6) but less than fifteen (15) children in a provider's own home, on a less-than-twenty-four (24) hour basis and includes only those facilities licensed by the State of California, but excludes smaller facilities that conform to the definitions for the "Day Care, Limited" use classification (which may provide care for up to eight (8) children, if certain conditions are met). Large family day care homes are mid-scale operations, intended to provide service for a limited number of persons in a residential setting, as prescribed by the State of California, and as regulated by Section 2-516: "Large Family Day Care Homes". Such limits are as follows, or as prescribed by changes to State code subsequent to July 16, 2001: A "Large family day care home" – H&SC 1596.78(b)) provides family day care for seven (7) to twelve (12) children, and up to fourteen (14) children, if all the following conditions are met (H&SC 1597.465): a) at least two (2) of the children are at least six (6) years of age; b) No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for; c) The licensee notifies each parent that the facility is caring for two (2) additional school age children at the time there may be up to thirteen (13) or fourteen (14) children in the home at one (1) time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented. These limits are inclusive of children under the age of ten (10) years who reside at the home.

Day Care, Limited. Non-medical care and supervision of persons, in the provider's own home, on a less than twenty-four (24) hour basis. This classification is exclusive to those facilities licensed by the State of California, and includes nursery schools, preschools, and day-care centers for children or adults. These are small-scale operations, intended to provide service for a limited number of persons in a residential setting, as prescribed by the State of California. Such limits are as follows, or as prescribed by changes to State code subsequent to August 15, 2001:

- A. Adult care is limited to SIX (6) individuals.
- B. Child care ("small family day care home" – H&SC 1596.78(c)) is limited to SIX (6) children, and up to EIGHT (8) children, without an additional adult attendant, if all the following conditions are met (H&SC 1596.44): a) at least two (2) of the children are at least six (6) years of age; b) No more than two (2) infants are cared for during any time when more than six (6) children are being cared for; c) The licensee notifies each parent that the facility is caring for two (2) additional school-age children at the time there may be up to seven (7) or eight (8) children in the home at one time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented.

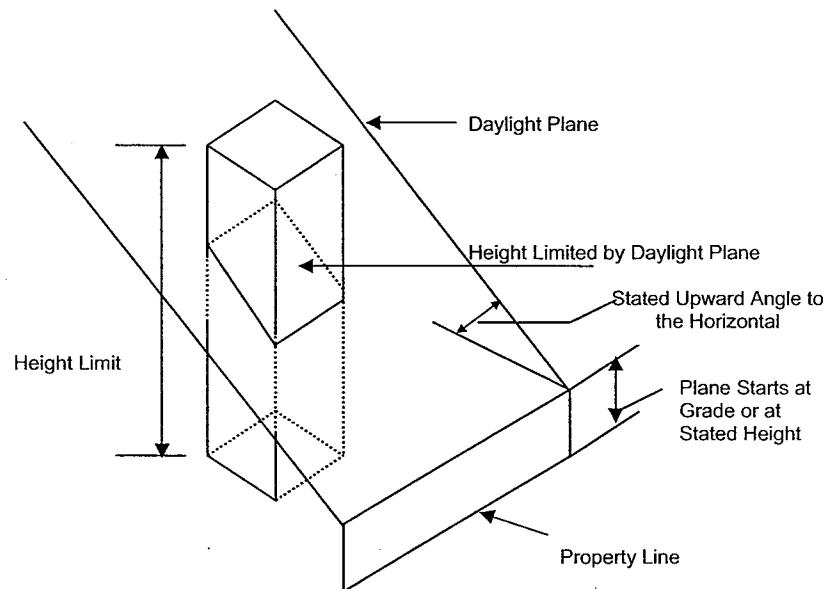
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These limits are inclusive of children under the age of ten (10) years who reside at the home.

This classification excludes larger facilities that conform to the definitions for the "Day Care, Large Family" and "Day Care, General" use classifications.

Daylight Plane. An inclined plane, beginning at grade or a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit applicable at such point on the site. Please refer to the Daylight Plane illustration on the following page.



DAYLIGHT PLANE

(This diagram is illustrative)

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts (see also, "Balcony").

Department Store. A retail sales use occupying at least sixty-thousand (60,000) square feet of gross leasable area, that is operated subject to the overall management of a single entity or appears as such to the general public, and that sells a range of goods and services including men's and women's clothing, clothing accessories, and house wares and home furnishings. Department stores may also sell or provide a range of other goods or services such as appliances, electronic items, toys, giftware, specialty

foods, financial or insurance services, travel services, coffee shops, etc., typically included or frequently found in businesses identified in the United States, as "department stores."

Depth. See, "Lot Depth."

Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this code.

Distinguished or Characterized by an Emphasis upon. The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Corvina, 115 Cal.App.3d 151 (1981).

Domestic Violence Safe House. A single housekeeping unit that exclusively houses survivors of domestic abuse and their children. The adult house members are to be within a program that counteracts the impacts of domestic violence and receives federal, state or City funding. House members agree to a program that maintains strict confidentiality of the safe houses' location, with unpublished phone and address numbers, a prohibition on mail deliveries, and limitations or prohibition of visits from friends or family.

Drive-up Facility. Service from a building to persons in vehicles.

Drugstore. Establishments which have the primary use devoted to the sale of miscellaneous household items, including hair products, various toiletries, food items, housekeeping supplies, stationery supplies, etc. and which include the sale of prescription and non-prescription drugs as an accessory use.

Dwelling, Duplex. A building containing two (2) dwelling units.

Dwelling, Multi-Family. A building containing three (3) or more dwelling units.

Dwelling, Secondary Unit. See "Secondary Dwelling Unit."

Dwelling, Single-Family. A building containing one (1) dwelling unit.

Dwelling Unit. One (1) room, or a series of rooms, that are interconnected via habitable interior spaces, that provides not more than one (1) kitchen and one (1) or more bathrooms, and is intended for occupancy by a single housekeeping unit. An individual dwelling unit is characterized by a single main pedestrian entry, with all other points of entry being visually subordinate.

Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

Entertainment Activities. Regulations pertaining to Entertainment Activities, defined as a use classification by this Code, apply to the following activities where they occur on a scheduled basis (3) or more days during a calendar year on the site of any permitted or conditionally permitted use, excluding activities for the non-profit, charitable or educational proposes of public or private institutional uses.

- A. A musical, theatrical, wrestling, dance recital, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment not otherwise regulated as either a "Dance Hall" or an "Instruction and Improvement Services" use classification;
- C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.
- D. Any form of recorded entertainment using amplified recorded music, such as karaoke systems.
- E. Televised events, with such features as "big screen" projection systems.

Equipment Sales. The sale of large products for commercial and industrial use, e.g. X-ray machines, photocopy machines, etc.

Establishment of an Adult-Oriented Business. As used herein, to establish an adult-oriented business shall mean and include any of the following:

- A. The opening or commencement of any Adult-Oriented Business as a new business;
- B. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
- C. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business;